

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

RECEIVED

MAR - 6 1995

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In the Matter of:

Preparation for International
Telecommunication Union World
Radiocommunications Conferences

)
)
)
)
)

IC Docket No. 94-31

DOCKET FILE COPY ORIGINAL

COMMENTS OF THE PERSONAL COMMUNICATIONS INDUSTRY ASSOCIATION

The Personal Communications Industry Association ("PCIA"), by its attorneys, herewith submits its comments in the above-captioned docket.¹ The *Second Notice*, among other proposals, requests comment on the WRC-95 Industry Advisory Committee ("IAC") classification of the 157-174 MHz and 450-512 MHz bands as "priority two" for international reallocation to accommodate the needs of non-voice, non-geostationary mobile satellite systems ("NVNG MSS"). As discussed below, for compelling practical and policy reasons, PCIA strongly opposes this classification and any attempt to reallocate these heavily populated and highly important land mobile communications bands for satellite use.

Following its recent merger with the National Association of Business and Educational Radio, Inc. ("NABER"), PCIA now represents a broad variety of the individuals and companies whose operations will be affected by the IAC proposal to reallocate the 157-174 MHz and 470-512 MHz bands. The new PCIA is an international trade association created to represent the interest of both the commercial mobile radio service ("CMRS") and the private mobile radio service ("PMRS") communications industries. PCIA's federation of

¹ Preparation for International Telecommunication Union World Radiocommunication Conferences, IC Docket No. 94-31 (Jan. 31, 1995) [*Second Notice*].

No. of Copies rec'd
List ABCDE

049

councils includes: the Paging and Narrowband PCS Alliance, the Broadband PCS Alliance, the Specialized Mobile Radio Alliance, the Site Owners and Managers Association, the Association of Wireless System Integrators, the Association of Communications Technicians, and the Private System Users Alliance. In addition, as the FCC-appointed frequency coordinator for the 450-512 MHz bands in the Business Radio Service, the 800 and 900 MHz Business Pools, the 800 MHz General Category frequencies for Business Eligibles and conventional SMR systems, and the 929 MHz paging frequencies, PCIA represents and serves the interests of tens of thousands of licensees.

In the *Second Notice*, the FCC has requested public comment on an initial IAC report that identifies, among other things, spectrum below 1 GHz for reallocation to NVNG MSS at subsequent World Administrative Radiocommunications Conferences. Candidate bands for reallocation are identified as: (1) "priority one," those "bands the IAC considers as most desirable for allocation in the near term and on a worldwide basis"; (2) "priority two," those "bands where NVNG MSS can share with existing services [but where] achieving worldwide allocations might be difficult"; or (3) "lowest priority," those "bands used heavily in the U.S. [where] the nature of existing operations might permit sharing."² Included among the priority two bands are the 157-174 MHz bands and the 450-512 MHz bands. Neither of these bands, however, are suitable for NVNG MSS operations.

At present, the 157-174 MHz and 450-512 MHz bands are among the most heavily used land mobile bands. Both bands are allocated internationally and domestically to land

² *Second Notice* at ¶57.

mobile operations on at least a co-primary basis. Land mobile channel allocations in the 157-174 MHz band include:

- Public safety radio service channels for the police, fire, emergency medical, local government, highway maintenance, and forestry-conservation radio services under Sections 90.15 *et seq.*;
- Special emergency radio service channels for medical services, rescue organizations, physically handicapped, veterinarians, disaster relief organizations, school buses, and beach patrols under Sections 90.33 *et seq.*;
- Industrial radio service channels for the power, petroleum, forest products, film and video production, relay press, special industrial, business, manufacturers, and telephone maintenance radio services under Sections 90.59 *et seq.*;
- Land transportation radio service channels for the motor carrier, railroad, taxicab, and automobile emergency radio services under Sections 90.85 *et seq.*;
- Common carrier high VHF one-way paging channels under Section 22.531;
- Common carrier VHF two-way mobile channels under Section 22.561; and
- Common carrier VHF subscriber channels for the rural radiotelephone services under Section 22.725 and basic exchange telephone radio systems under Section 22.757.

Land mobile channel allocations in the 450-512 MHz band include:

- Public safety channels for the police, fire, emergency medical, local government, highway maintenance, and forestry-conservation radio services under Sections 90.15 *et seq.*;
- Special emergency radio service channels for medical services, rescue organizations, physically handicapped, veterinarians, disaster relief organizations, school buses, and beach patrols under Sections 90.33 *et seq.*;
- Industrial radio service channels for the power, petroleum, forest products, film and video production, relay press, special industrial, business,

manufacturers, and telephone maintenance radio services under Sections 90.59 *et seq.*;

- Land transportation radio service channels for the motor carrier, railroad, taxicab, and automobile emergency radio services under Sections 90.85 *et seq.*;
- Common carrier UHF two-way channels under Section 22.561;
- Common carrier UHF point-to-multipoint and paging control channels under Section 22.621;
- Common carrier 470-512 MHz trunked mobile channels available for operation in the Houston, Texas, and New York, New York/Northern New Jersey areas under Section 22.651;
- Common carrier UHF channels for rural radiotelephone services under Section 22.725 and basic exchange telephone radio systems under Section 22.757;
- Common carrier general aviation air-ground channels under Section 22.805; and
- Common carrier offshore radiotelephone service channels under Section 22.1007.

The land mobile capacity represented by the 157-174 MHz and 450-512 MHz bands is critical to the individuals, public safety organizations, and industries and businesses that have come to rely upon sound communications for the effective conduct of their lives and operations. Indeed, in the case of public safety channels in these bands, the life and health of the public and the safety of property depend upon reliable, accurate, and timely communications. These channels also support operations that are critical for transportation networks to deliver food and cargo where needed, for power and utility companies to ensure that homes and offices are lit and heated, and for businesses to continue functioning in a

productive and competitive manner. These important interests cannot and should not be sacrificed for NVNG MSS.

The channels allocated in the 157-174 MHz and 450-512 MHz bands also constitute the exclusive, or the majority of, spectrum available for many of the enumerated uses. In addition, for an overwhelming number of these services, the channels are highly congested in most major markets. Indeed, in response to the projected needs of private radio users, the FCC launched its "refarming" docket³ that proposes to split the channels in the 150 and 450 MHz bands -- at great expense to the existing users -- in order to ensure that minimal capacity remains available to meet foreseeable demand. In the subbands governed by Part 22, common carriers are, absent any regulatory intervention, upgrading their systems to higher transmission speeds and digital networks capable of accommodating greater demand because they cannot obtain additional comparable spectrum.

Notwithstanding the broad variety of uses in the UHF and VHF bands, the highly important communications services represented, and the highly efficient use of these bands, the IAC has determined that the 157-174 MHz and 450-512 MHz bands are "bands where NVNG MSS can share with existing services." Nowhere in the record, however, is this conclusion supported. In effect, IAC's conclusion appears to be based solely on the IAC Interim Working Group 2 statement that "[b]ands with allocations characterized by intermittent use, such as fixed and mobile services, are considered practical for sharing with

³ Replace of Part 90 by Part 88 to Revise the Private Land Mobile Radio Services and the Policies Governing Them, PR Docket No. 92-253.

NGSO MSS operations."⁴ This statement, however, does not comport with the realities of the UHF and VHF land mobile bands. While any particular land mobile communication may be "intermittent," radio channels in these bands often support nearly continuous communications through the use of store-and-forward queuing, trunking, and other technologies.

Even if channel usage on individual channels was merely intermittent, the prospects for successful NVNG MSS sharing are minimal. First, NVNG MSS channelization will not precisely match the terrestrial use of the bands, and a single NVNG MSS channel may blanket multiple land mobile channels. Thus, interference must be measured by examining usage across a group of channels, where at least one channel is highly likely to be in use. Second, NVNG MSS operations also will not have "spot beams" that neatly coincide with the geographic use of land mobile channels. Since individual land mobile channels are likely to be used numerous times in a single spot beam and since such channels are licensed through "fill-in" procedures, an interference analysis would require examining usage of the same channel in more than one location. Finally, IAC IWG-2's analysis also ignores the nature of some communications by presuming implicitly that minimizing interference is sufficient. However, for some public safety communications where human lives depend upon accurate communications, no added interference is tolerable.

Under the circumstances, the IAC proposal to identify the 157-174 MHz and 470-512 MHz bands as "second priority" for international reallocation to NVNG MSS should be rejected. For both practical and policy reasons, NVNG MSS cannot share with the existing

⁴ IAC IWG-2 Interim Report at 15.

users of the bands. Accordingly, the 157-174 MHz and 470-512 MHz bands should be eliminated from consideration for reallocation, or, at a very minimum, downgraded to "lowest priority."

Respectfully submitted,

PERSONAL COMMUNICATIONS
INDUSTRY ASSOCIATION

By: Mark J. Golden
Mark J. Golden
Personal Communications
Industry Association
1019 19th Street, N.W.
Suite 1100
Washington, D.C. 20036
(202) 467-4770

Dated: March 6, 1995